

ORDINANCE NO. 1457

AN ORDINANCE VACATING AND ABONDONING THE CITY OF BENBROOK'S INTEREST IN A PORTION OF A TWENTY-FIVE FOOT WIDE CART PATH EASEMENT LOCATED IN THE T. & N. O. RAILROAD COMPANY SURVEY, ABSTRACT NUMBER 1565; DECLARING THAT THE PROPERTY IS UNNECESSARY FOR USE BY THE PUBLIC; AUTHORIZING THE MAYOR OF THE CITY TO EXECUTE A QUITCLAIM DEED RELEASING THE PUBLIC OWNERSHIP INTEREST AND CONTROL IN THE PROPERTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Benbrook, Texas, ("City") is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, on August 7, 1998, Clyde Wilmott, as grantor, executed a Cart Path Easement Agreement which granted a cart path easement to the City of Benbrook (as Owner of the Whitestone Golf Course) and to Meditrust Golf Group II, Inc., a Delaware corporation (as Lessee of the Whitestone Golf Course), as grantees, on certain real property described therein, which Cart Path Easement Agreement is recorded in Volume 13377, Page 471 of the Real Property Records of Tarrant County, Texas; and

WHEREAS, the City Council, after careful study and consideration, has determined that the hereinafter described portion of such cart path easement is not being used by, nor useful or convenient to the public in general; therefore, it constitutes a public charge without a corresponding public benefit, and the public would be better served and benefitted by the vacation and abandonment of the City's interest therein; and

WHEREAS, in order to remove any question as to the continued interest or ownership of the public in said portion of such cart path easement, the City desires to execute a quitclaim deed releasing all of the City's title, ownership and control in said portion of such easement to the owners of the title to the underlying property;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENBROOK, TEXAS:

SECTION 1.

The following described portion of a cart path easement located in the T. & N. O. Railroad Company Survey, Abstract Number 1565, is not being used by, nor useful or convenient to the public in general, and constitutes a public charge without a corresponding benefit and the public would be better served and benefitted by the vacation and abandonment of the City's interest therein. Accordingly, the City hereby vacates and abandons its interest in the following description portion of the cart path easement which shall revert in fee simple to the owners of the title of the underlying property:

The 800 linear feet of a twenty-five foot wide cart path easement located in the T. & N. O. Railroad Company Survey, Abstract Number 1565, Tarrant County, Texas, recorded in Volume 1377, Page 471, Real Property Records of Tarrant County, Texas (the recorded easement incorrectly stating that the property is in the W. W. Wilburn Survey, Abstract 1639), and being more particularly described in the drawing and filed notes which are marked Exhibit A, attached hereto and made a part of hereof by reference.

This ordinance shall not be deemed to vacate or abandon the interest of Meditrust Gold Group II, Inc., a Delaware corporation, or its successors and assigns, in the above-described portion of such cart path easement.

SECTION 2.

The Mayor of the City is hereby authorized and empowered, on behalf of the City, to execute a quitclaim deed releasing to the owners of title to the underlying property, all of the City's claims to title, ownership, or control of such vacated portion of the cart path easement described above.

SECTION 3.

The City Secretary shall present a copy of the quitclaim deed for filing with the County Clerk of Tarrant County, Texas.

SECTION 4.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED ON THIS 6th day of August 2020.

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

Exhibit A
Easement Abandonment

BEING that certain tract of land situated in the T. & N.O. R.R. Co. Survey, Abstract Number 1565, City of Benbrook, Tarrant County, Texas, being a portion of that tract of land described by deed to SJ Dominion Development, LP, recorded in Instrument Number D211314749 and being all of a 25' Cart Path easement, recorded in Volume 13377, Page 471, County Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 iron rod found in the east line of Whitestone Heights Phase One, an addition to the City of Benbrook, and the south right-of-way line of Gold Hills Drive (a called 55' right-of-way at this point) recorded in Instrument Number D203205813 of said County Records;

THENCE S 78°30'17" E, 25.00 feet with the common line between said SJ Dominion Tract and said Whitestone Heights addition;

THENCE N 11°29'43" E, 92.80 feet continuing with said common line to the POINT OF BEGINNING;

THENCE N 11°29'43" E, 26.01 feet with said common line;

THENCE departing said common line, over and across said SJ Dominion Tract the following bearings and distances:

N 85°29'32" E, 12.39 feet to the beginning of a curve to the left;

With said curve to the left, having an arc distance of 872.49 feet, through a central angle of 33°53'29", having a radius of 1,475.00 feet, the long chord which bears N 68°32'47" E, 859.83 feet;

N 51°36'04" E, 147.26 feet to the southwesterly line of Lot 2, Block A, Whitestone Golf Course Addition, an addition to the City of Benbrook, recorded in Instrument Number D199145186, of said County Records;

THENCE S 50°36'08" E, 25.58 feet with the common line between said Lot 2 and said SJ Dominion tract;

THENCE departing said common line, over and across said SJ Dominion Tract the following bearings and distances:

S 51°36'03" W, 152.66 feet to the beginning of a curve to the right;

With said curve to the right, having an arc distance of 887.28 feet, through a central angle of 33°53'30", having a radius of 1,500.00 feet, the long chord which bears S 68°32'47" W, 874.40 feet;

THENCE S 85°29'32" W, 19.56 feet to the Point of Beginning and containing 26,145 square feet or 0.600 acres of land more or less.

"integral parts of this document"

1. Description -2 Pages
2. Exhibit

TBPELS Firm Reg No. 10194468

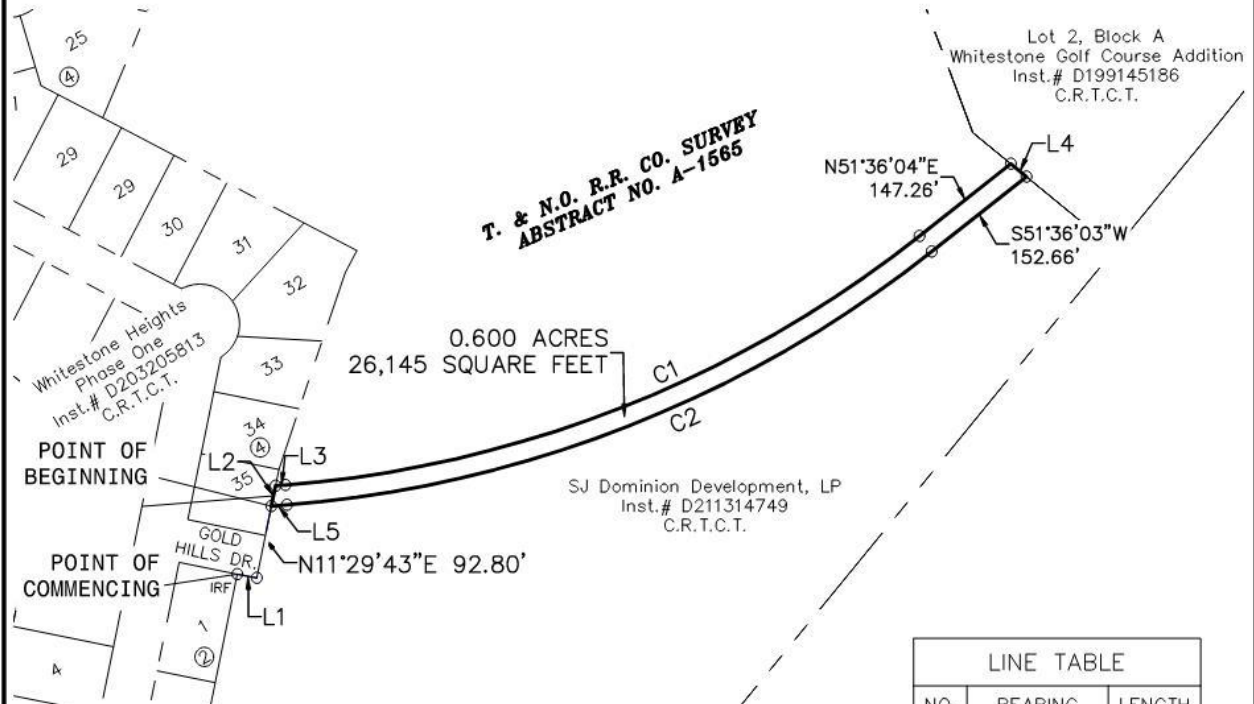
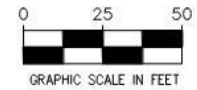
Basis of Bearing is the Texas Coordinate System, North Central Zone 4202, NAD 83

"Integral parts of this document"

1. Description - 2 Pages
2. Exhibit

LEGEND:

IRF=IRON ROD FOUND



LINE TABLE		
NO.	BEARING	LENGTH
L1	S78°30'17"E	25.00'
L2	N11°29'43"E	26.01'
L3	N85°29'32"E	12.39'
L4	S50°36'08"E	25.58'
L5	S85°29'32"W	19.56'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	33°53'29"	1475.00'	872.49'	N68°32'47"E	859.83'
C2	33°53'30"	1500.00'	887.28'	S68°32'47"W	874.40'

EASEMENT ABANDONMENT

T. & N.O. R.R. CO. SURVEY, ABSTRACT NO. 1565
CITY OF BENBROOK
TARRANT COUNTY, TEXAS

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JOB #: HCH18003 DRAWN BY: DWB CHECKED BY: SRAMSEY DATE: 05/28/2020 PAGE #: 3 OF 3

DWG NAME: G:\JOB\HCH18003_WHITESTONE_HEIGHTS\MASTER DEV_SURVEY\EASEMENTS\HCH18003_EA1.DWG

PLOT DATE: 7/6/2020